

Article - Health Occupations
Article - Health Occupations
Title 19. Social Workers

Subtitle 3. Licensing

§ 19-301. License required; exceptions.

(a) Except as otherwise provided in this title, an individual shall be:

(1) Licensed by the Board before the individual may practice social work in this State while representing oneself as a social worker;

(2) Licensed as a certified social worker-clinical before the individual may practice clinical social work in this State.

(b) This section does not apply to:

(1) An individual employed by any agency of the federal government while performing the duties of that employment, unless the individual chooses to apply for a license under this subtitle;

(2) An individual licensed as a social worker in another state while responding to an emergency in this State; or

(3) An individual who:

(i) Is licensed to practice social work in any other state or possesses social work qualifications in another jurisdiction comparable to § 19-302 of this subtitle;

(ii) Has an application for a license pending before the Board; and

(iii) Meets requirements established by the Board in regulations.

(c) An individual may not practice social work without a license under subsection (b)(3) of this section for more than 6 months.

§ 19-302. Qualifications of applicants.

(a) To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

(1) Has submitted a complete written application in the form prescribed by the Board;

- (2) Is at least 18 years old;
- (3) Is of good moral character;
- (4) Except as otherwise provided in this title, has successfully passed an examination or examinations prescribed by the Board pertinent to the license sought; and
- (5) Has paid all applicable fees specified by the Board relative to the licensure process.

(b) To obtain a social work associate license, an applicant shall:

- (1) Meet the requirements of subsection (a) of this section; and
- (2) Have received a baccalaureate degree in social work from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.

(c) (1) To obtain a graduate social worker license, an applicant shall:

- (i) Meet the requirements of subsection (a) of this section; and
- (ii) Have received a master's degree from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.

(2) (i) To obtain a provisional graduate social worker license, an applicant shall:

- 1. Meet the requirements of subsection (a) of this section; and

- 2. Have received a master's degree from a program which had received formal candidacy status from the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education at the time the degree was awarded.

(ii) A provisional graduate social work license shall be issued for the lesser of a period:

- 1. Not to exceed 3 years; or
- 2. Until the program has attained accredited status from the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education.

(iii) Provisional licensees whose degree programs become accredited during the license period shall be permitted to apply for a license as a graduate social worker upon accreditation being granted to the program.

(d) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social worker license, an applicant shall:

- (1) Meet the requirements of subsection (a) of this section;
- (2) Have received a master's degree from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education; and

(3) Except as provided in subsection (g) of this section, provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master's degree with a minimum of 144 hours of periodic face-to-face supervision in the practice of social work under the terms and conditions that the Board determines by regulation.

(e) Except as provided in § 19–302.1 of this subtitle, to obtain a certified social worker–clinical license, an applicant shall:

(1) Meet the requirements of subsection (a) of this section;

(2) Have received a master's degree in social work and documentation of clinical course work from a program accredited by the Council on Social Work Education or an equivalent organization approved by the Council on Social Work Education; and

(3) Provide in a form prescribed by the Board, documentation of having completed 2 years as a licensee with supervised experience of at least 3,000 hours after receiving the master's degree with a minimum of 144 hours of periodic face-to-face supervision in the assessment, formulation of a diagnostic impression, and treatment of mental disorders and other conditions and the provision of psychotherapy under the terms and conditions that the Board determines by regulation.

(f) If the supervision required for a certified social worker license under subsection (d)(3) of this section was not available to the applicant while the applicant was obtaining the required 2 years of experience, the Board may waive the supervision requirement on the request of the applicant.

(g) If an applicant who is licensed or registered to practice social work in another state has obtained 2 years of supervised experience under circumstances that are otherwise equivalent to those required under subsection (d) of this section, the Board may waive the supervision requirement.

§19–302.1. Out – of – State Applicants.

To obtain a certified social worker license or a certified social worker–clinical license, an out-of-state applicant shall:

(1) Meet the requirements of § 19–302(a) of this subtitle;

(2) Be licensed or registered to practice social work in another state at a level of licensure that is equivalent to a certified social worker license or a certified social worker–clinical license;

(3) Have passed an examination in that state as a condition of licensure; and

(4) Have performed at least 1,000 hours of compensated social work practice per year for 5 years out of the 10 years preceding application to the Board.

§ 19-303. Applications for licenses.

(a) To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires; and
- (2) Pay to the Board the application fee set by the Board.

(b) The Board shall:

- (1) Review each application; and
- (2) Notify each applicant whether the applicant has been approved to take the pertinent licensure examination within 60 days from the date the Board received a complete application from the applicant.

§ 19-304. Examinations.

(a) An approved applicant is entitled to be examined for licensure as provided in this section.

(b) The Board shall ensure that a Board-approved examination for each category of license is made available for an applicant to take at least twice a year, at the times and places that the Board determines.

(c) The Board shall notify each approved applicant of the procedures for taking the examination.

(d) (1) The Board shall approve the subjects, scope, form, and passing score for each type of examination given under this subtitle.

(2) The examinations given under this subtitle shall strive to be free of cultural bias.

(e) (1) The Board, by regulation, may limit:

(i) The number of times an applicant may be reexamined after failing an examination required under this subtitle; and

(ii) The interval between reexaminations.

(2) If an applicant is permitted to be reexamined under paragraph (1) of this subsection, the applicant shall pay a fee to the examining body approved by the Board.

(f) Notwithstanding the provisions of § 19-302 of this subtitle, an applicant for a certified social worker license or a certified social worker-clinical license who was enrolled

in a doctoral program on October 1, 1992 and has remained continuously enrolled in a doctoral program and who otherwise qualifies for the applicable license is entitled to be examined for that license as provided in this section.

(g) The examination shall be prepared to measure the competence of the applicant to engage in the pertinent practice of social work.

(h) In the preparation, administration, and grading of an examination, the Board may employ, cooperate, or contract with an organization or consultant.

§ 19-305. Waiver of examination requirement – In general.

Repealed by Acts 2010 ch. 715 § effective October 1, 2010.

§ 19-306. Issuance, contents, and replacement of licenses.

(a) The Board shall issue a license to any applicant who meets the requirements of this title.

(b) The Board shall include on each license that the Board issues:

- (1) The kind of license;
- (2) The full name of the licensee;
- (3) A serial number;
- (4) The signatures of the chairman and the secretary of the Board;
- (5) The seal of the Board; and
- (6) The original date of issuance.

(c) The Board shall issue a license to replace a lost, destroyed, or mutilated license if the licensee pays the license replacement fee set by the Board and demonstrates to the satisfaction of the Board that the license was lost, destroyed, or mutilated.

§ 19-307. Scope of licenses.

(a) Subject to the provisions of subsections (b) and (c) of this section, a license authorizes the licensee to practice social work while the license is effective.

(b) A licensed social worker may practice social work only within the scope of the specific type of license issued by the Board.

(c) (1) A licensed associate social worker may not:

(i) Practice social work without the supervision of a licensed certified social worker, licensed certified social worker-clinical, or licensed graduate social worker who meets the requirements specified in the regulations;

(ii) Make a clinical diagnosis of a mental or emotional disorder; or

(iii) Provide psychotherapy.

(2) A licensed graduate social worker may not:

(i) Practice graduate social work without the supervision of a licensed certified social worker, licensed certified social worker-clinical, or licensed graduate social worker who meets the requirements specified in the regulations;

(ii) Treat mental or emotional disorders or provide psychotherapy without the direct supervision of a licensed certified social worker-clinical; or

(iii) Diagnose a mental disorder.

(3) A licensed certified social worker may not:

(i) Treat mental or emotional disorders or provide psychotherapy without the direct supervision of a licensed certified social worker-clinical; or

(ii) Diagnose a mental disorder.

§ 19-308. Terms and renewal of licenses; change of address.

(a) A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term longer than 2 years.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by first-class mail to the last known address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Each licensee shall notify the Board of any change in the address of the licensee within 60 days after the change occurs.

(d) Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays to the Board the appropriate renewal fee specified by this subtitle; and
- (3) Submits to the Board:
 - (i) A renewal application on the form that the Board requires; and
 - (ii) Satisfactory evidence of compliance with any continuing education requirement set under this section for license renewal.

(e) (1) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.

(2) The Board shall include the term of the renewal on each renewal certificate that the Board issues.

§ 19-309. Inactive status; reinstatement of expired licenses.

(a) (1) The Board shall place a licensee on inactive status for a maximum of 5 years, if the licensee submits to the Board:

- (i) A written application for inactive status in a form prescribed by the Board; and
- (ii) The inactive status fee set by the Board.

(2) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:

- (i) The date that the licensee's inactive status becomes effective;
- (ii) The date that the licensee's inactive status expires; and
- (iii) The consequences of not resuming active status before expiration of inactive status.

(3) The Board shall issue a license to an individual on inactive status who:

- (i) Complies with the renewal requirements that are in effect when the individual requests the reactivation of the license;

(ii) Has completed the number of credit hours of approved continuing education in social work set by the Board in the 2 years preceding the licensee's application for an active license; and

(iii) Has been on inactive status for less than 5 years.

(b) A social worker whose inactive license expires before the social worker returns to active licensure shall meet the reinstatement requirements of § 19-314 of this subtitle.

(c) (1) A social worker who is on inactive status as of October 1, 2000 shall have a 5-year period during which to continue on inactive status following notification by the Board.

(2) A social worker who fails to return to active licensure within that 5-year period shall meet the reinstatement requirements of § 19-314 of this subtitle.

§ 19-310. Surrender of license.

(a) Unless the Board agrees to accept the surrender of a license, a licensed social worker may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the social worker.

(b) The Board may set conditions on its agreement with the social worker under investigation or against whom charges are pending to accept surrender of the social worker's license.

§ 19-311. Denials, reprimands, suspension, and revocations- Grounds.

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;

(2) Fraudulently or deceptively uses a license;

(3) Is mentally or physically incompetent;

(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;

(5) Knowingly violates any provision of this title;

(6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;

(7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board;

(8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(9) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of prescribed amounts or without valid medical indication;

(10) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the Veterans' Administration for an act that would be grounds for disciplinary action under this section;

(11) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work;

(12) Knowingly makes or files a false report or record in the practice of social work;

(13) Knowingly fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file the report;

(14) Submits a false statement to collect a fee;

(15) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(16) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services on the basis of race, age, gender, sexual orientation, disability, religion, or ethnic origin or because the individual is HIV positive;

(17) Fails to cooperate with a lawful investigation conducted by the Board;

(18) By threats, force, or improper means, intimidates or influences, or attempts to intimidate or influence, for the purpose of:

(i) Causing any person to withhold or change testimony in hearings or proceedings before the Board or otherwise delegated to the Office of Administrative Hearings; or

(ii) Hindering, preventing, or otherwise delaying a person from making information available to the Board in furtherance of an investigation by the Board;

(19) Knowingly fails to report suspected abuse or neglect of a vulnerable adult in violation of § 3-604 or § 3-605 of the Criminal Law Article;

(20) Fails to comply with the requirements of any order entered by the Board as a result of any disciplinary matter with the Board, including payment of costs as required by § 19-312 of this subtitle; or

(21) Fails to maintain adequate patient records.

§ 19-311.1. Same – Fines.

(a) If after a hearing under § 19-312 of this subtitle the Board finds that there are grounds under § 19-311 of this subtitle to reprimand a licensee, place a licensee on probation, or suspend or revoke a license, the Board may impose a fine on the licensee in an amount not exceeding \$5,000:

(1) Instead of reprimanding the licensee, placing the licensee on probation, or suspending or revoking the social worker's license; or

(2) In addition to reprimanding the licensee, placing the licensee on probation, or suspending or revoking the social worker's license.

(b) The Board shall adopt regulations to set standards for the imposition of fines under this section.

(c) The Board shall pay any fine collected under this section into the General Fund.

§ 19-312. Same – Hearings.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 19-311 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

(f) If, after a hearing, an individual is found in violation of § 19-311 of this subtitle, the individual shall pay the costs of the hearing as specified in a regulation adopted by the Board.

§ 19-313. Administrative and judicial review.

(a) Except as provided in this section for an action under § 19-311 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

- (1) Appeal that decision to the Board of Review; and
- (2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 19-311 of this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

§ 19-314. Reinstatement of licenses.

(a) If a license has been suspended or revoked under § 19-311 of this subtitle, the Board may reinstate that license only in accordance with:

- (1) The terms and conditions of the order of suspension or revocation; or
- (2) An order of reinstatement issued by the Board.

(b) If a licensee has failed for any reason to renew the license for a period of less than 5 years, the Board shall reinstate the license if the social worker:

- (1) Applies to the Board for reinstatement of the license;
- (2) Meets the continuing education requirements of § 19-308 of this subtitle for each 2-year period that the license was not renewed; and
- (3) Pays to the Board the reinstatement fee set by the Board.

(c) If a licensee has failed for any reason to renew the license for a period of 5 years or more, the social worker shall meet the current requirements for licensure.

§ 19-315. Social worker rehabilitation committees.

(a) In this section, "social worker rehabilitation committee" means a committee that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (d) of this section.

(b) For purposes of this section, a social worker rehabilitation committee is a committee of the Board or a committee with representatives from one or more professional social work organizations that:

- (1) Is recognized by the Board; and
- (2) Includes but is not limited to social workers.

(c) A rehabilitation committee of the Board or recognized by the Board may function to assist persons referred:

- (1) Solely by the Board;
- (2) Jointly with a rehabilitation committee representing another board or boards;

or

- (3) By the licensee.

(d) For purposes of this section, the social worker rehabilitation committee:

(1) Evaluates and provides assistance to any social worker, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, substance abuse or dependency, or other physical, emotional, or mental condition; and

- (2) Provides information and resources to address impairment.

(e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the social worker rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the social worker rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the social worker rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of the social worker rehabilitation committee is not civilly liable for any action as a member of the social worker rehabilitation committee or for giving information to, participating in, or contributing to the function of the social worker rehabilitation committee.

§ 19-316. Injunctive relief.

(a) An action may be maintained in the name of the State or the Board to enjoin:

- (1) The unauthorized practice of social work; or
- (2) Conduct that is a ground for disciplinary action under § 19-311 of this subtitle.

(b) An action under this section may be brought by:

- (1) The Board, in its own name;
- (2) The Attorney General, in the name of the State; or
- (3) A State's Attorney, in the name of the State.

(c) An action under this section shall be brought in the county where the defendant:

- (1) Resides; or
- (2) Engages in the act sought to be enjoined.

(d) Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

(e) An action under this section is in addition to and not instead of criminal prosecution for unauthorized practice of social work under § 19-401 of this title or disciplinary action under § 19-311 of this subtitle.

§ 19-317. Investigation and examinations.

(a) While investigating an allegation against a licensee under this title, the Board may require the licensee to submit to an appropriate examination by a health care provider designated by the Board if the Board has reason to believe that the licensee may cause harm to a person.

(b) In return for the privilege given to a licensee to practice social work in the State, the licensee is deemed to have:

(1) Consented to submit to an examination under this section, if requested by the Board in writing; and

(2) Waived any claim of privilege as to the testimony or report of a health care provider who examines the licensee.

(c) The failure or refusal of the licensee to submit to an examination required under this section is prima facie evidence of the licensee's inability to practice social work competently, unless the Board finds that the failure or refusal was beyond the control of the licensee.

(d) The Board shall pay the cost of any examination made under this section

§ 19-318. Disclosures.

(a) Before a licensee in a private individual, partnership, or group practice provides social work services to a client, the licensee shall provide to the client the following disclosures:

(1) The licensee's professional identity;

(2) The services which are or may be provided by the licensee and the fees for each service or the hourly rate; and

(3) Sufficient information for a patient to give informed consent regarding the nature of the services to be provided.

(b) The manner of providing these disclosures shall be as follows:

(1) The licensee's professional identity may be provided by business card or display of license in a conspicuous location;

(2) The licensee's services and fees may be provided by documented discussion or printed fee schedule; and

(3) Informed consent may be provided by documented discussion or a written form signed by the client which is kept in the client's file.